

REMARKS

Claims 1 and 24 have been amended. Claims 9, 14-21 and 23 have been cancelled. Thus, claims 1-8, 10-13, 22, 24, and 25 remain pending in this application. No new matter has been added. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

Claims 1-5, 7, and 10-13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Richter (EP Patent No. 0976417A) in view of Cohen (U.S. Patent No. 5,167,239) and Ackerman et al. (U.S. Patent No. 6,802,825).

Applicants have amended claim 1 to recite that the anchoring module drive mechanism directly contacts the guide track. Support for this amendment is found at least in paragraph [0035] of the specification. The Examiner admits that neither Richter nor Cohen teaches an anchoring module. For this feature, the Examiner relies on Ackerman, specifically its teaching of balloon 21. Moreover, the Examiner asserts that sleeve 12 meets the anchoring module drive mechanism. As amended, claim 1 now recites that the drive mechanism for the anchoring module is located inside the anchoring module. As can be seen in the Figures of Ackerman, sleeve 12 is located outside of balloon. Therefore, even if the balloon 21 meets the recited anchoring module, it is not the case that sleeve 12 meets the recited anchoring module drive mechanism because sleeve 12 is not located inside the balloon 21. Accordingly, withdrawal of this rejection is requested.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Richter in view of Cohen, Ackerman, and Kindlein (U.S. Patent No. 7,229,401) or Ziegler (U.S. Patent No. 6,971,900). Since neither Kindlein nor Ziegler overcomes the deficiencies noted above with respect to Richter, Cohen, or Kindlein, withdrawal of this rejection is requested.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Richter in view of Kindlein or Ziegler. Claim 6 recites that the threaded member includes a threaded hole. The Examiner still has not identified which portion of Kindlein or Ziegler shows a threaded hole.

The Examiner simply does not address this specific limitation. Moreover, the Examiner has not identified which portion of these references teaches a drive mechanism having a threaded member for engaging a contact surface of the guide track in such a way for rotating the module about the guide track. If the Examiner cannot explain how these references teaches these features, Applicants submit that claim 6 is patentable over these references.

Claims 22, 24, and 25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Richter in view of McAlister et al. (U.S. Published Patent Appln. No. 2002/0065523) and Cohen. According to the Examiner, Cohen teaches an anchoring module that one of ordinary skill in the art would have been able to modify into a movable anchoring module based on the teaching in Richter of a module that can move along a guide wire. Applicants disagree with this argument. There is no reason why one of ordinary skill in the art would modify the anchoring balloon 14 of Cohen by enabling it to move along a guide wire based on the teachings of Richter. At most, the combination of these two references would combine a guide wire anchored by stationary balloon 14, as taught by Cohen, with a motor 1, as taught by Richter, that would crawl along the guide wire. The irrelevance of Richter to anchoring balloon 14 can be understood by considering the purpose of Richter. As stated in column 1, Richter is directed to imparting a self-propelling capacity to devices that had been manually movable by a surgeon. That is, Richter is relevant to devices that are capable of being manually pushed along a guide wire to a particular anatomical location. The idea of Richter is to remove the need to manually move such devices by incorporating in them the ability to move by employing a motor. Thus, Richter applies only to non-motorized, but manually movable, devices. It has no relevance to devices, such as anchoring balloon 14, that are intended to remain permanently affixed at a particular location on a catheter or guidewire.

In response, the Examiner argues that “applicant argues...that Richter is not relevant to devices such as anchoring balloons that are intended to remain permanently at a particular location. With respect to argument (C), however, the balloon (14) disclosed by Cohen is not intended to remain permanently within a patient’s body.” Final Office Action at page 10. Applicants never argued that the Cohen balloon remains permanently within a patient’s body. Applicant does nothing more than describe Cohen accurately, namely, by stating that the balloon 14 of Cohen remains permanently affixed to a specific location on a catheter or guidewire.

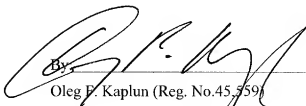
Stating that the balloon 14 is affixed permanently to a particular location of a catheter or guidewire or catheter is not the same as saying that the balloon remains permanently fixed within a patient's body. Since the Applicants never said any such thing, the Examiner's comments on this phantom argument are irrelevant and the basic point proffered by Applicants remains unrefuted. Namely, since the Cohen balloon 14 is permanently affixed to a specific location on a catheter or guidewire, one of ordinary skill in the art would not have viewed as relevant to Cohen the self-propelled module of Richter, which is intended to impart the ability of self-propulsion to devices that had always been mobile, but inefficiently so under the manual control of a surgeon.

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, and an early and favorable action on the merits is earnestly solicited.

Respectfully Submitted,

Dated:

12/2/09


By _____

Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcini, LLP
150 Broadway, Suite 702
New York, N.Y. 10038
(212) 619-6000 (telephone)
(212) 619-0276 (facsimile)